

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

THE FIRST NATIONAL BANK & TRUST
COMPANY OF TULSA, a national banking
association

VS

MIAMI INDUSTRIAL AUTHORITY, a Public
Trust, ~~SECRETARY OF COMMERCE OF THE~~
~~UNITED STATES OF AMERICA, THE UNITED~~
~~STATES OF AMERICA, E. & J. CONSTRUCTION~~
~~INC., SOUTHWESTERN SASH & DOOR COMPANY,~~
~~SHADE STONE, O'BRIEN ROCK CO., INC.,~~
~~MILLER ELECTRIC SHOP, INC., GEORGE~~
~~SHAMBLIN, ANCO MANUFACTURING & SUPPLY~~
~~COMPANY, GENE LONGAN, C. WATTS CON-~~
~~STRUCTION COMPANY, INC., CALVIN L. WATTS,~~
~~NATIONAL INDEMNITY COMPANY, STEELCRAFT~~
~~CORPORATION, JOHN GARRETT, and CROWN, LTD.,~~
a limited partnership

For plaintiff:

James R. Ryan,
Conner, Winters, Ballaine, Barry &
McGowen, 711 First Natl. Bldg.,
Tulsa, Okla. 74103

Dismissed 3-22-73

Dismissed 6-26-73

Dismissed 3-14-74

Dismissed 6-28-73

Dismissed 6-29-73

For defendant:

Nathan G. Graham, U.S. Atty.
Robert P. Santee, Asst. U. S. Atty.

Robert E. Nesbitt(S'Western Sash & Door)
22½ E. Central
Miami, Okla. 74354

Edgar Fenton(Watts Const., Watts & Natl
Fenton, Fenton, Smith, Reneau & Moon Ind
405 Investors Capital Bldg.
Okla. City, Okla. 73102

For Receivers:

Irvine Ungerman, Wright Bldg, Tulsa 74103
Ollie Gresham, Mayo Building, Tulsa

Charles C. Chesnut (Shade Stone)
206 Savings and Loan Building
Miami, Okla. 74354

Ben Owen-Receiver
300 Security Bldg.
Miami, Okla. 74354

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 5 mailed 4-1-72

Clerk

J.S. 6 mailed 8-1-74

Marshal

Basis of Action: Judgment
on mortgaged property

Docket fee
Witness fees

Action arose at:
Ottawa County

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-2-72	Petition for removal from Dist. Court of Ottawa County, Oklahoma, filed.g	
3-3-72	Amended Petition for Removal with exhibits, filed. v	
3-6-72	Application of defs. Sec. of Commerce and USA for enlargement of time within which to answer or plead, filed. (With brief in support as part of appl.) rm (Order to J)	
3-7-72	Notices (14) of filing petition for removal and amended petition for removal to pltf. and all defs., filed. rm	
3-7-72	Order that the defendants are granted to 4-7-72 to answer, filed. (AEB-J) ds (Defendants - Secy of Commerce of USA and USA)	
3-7-72	Acknowledgement of filing pet. for removal by Ct. Clerk of Ottawa Cty, filed.rm	
3-7-72	Acknowledgement of filing amended pet. for removal by Ct. Clerk of Ottawa Cty, filed. rm	
3-16-72	Answer of def. SW Sash & Door to amended pet., and cross-petition against def.s Crown Ltd. and Miami Ind. Authority, filed. rm	
3-20-72	Application of Receiver for Authorization to Borrow Moneys for Necessary Repairs and Maintenance, filed. v	
3-20-72	Order authorizing Receiver to Borrow Funds for Preservation, Maintenance and Protection of Plant and Machinery Committed to Custody and Control of Re Receiver, in the sum of \$20,000.00, filed. (AEB-J)v	
3-20-72	Order Appointing New Receiver and Directing Former Receiver to File Accounting and Fixing Bond of New Receiver (in sum of \$10,000.), filed. (AEB-J)v	
3-20-72	Bond of Receiver, in amt. of \$10,000, with Ben T. Owens, principal, and Continental Casualty Co., Surety, filed. rm (Approved by JCS-Chief Dep.)	
3-28-72	Answer of defts. C. Watts Construction Company, Calvin L. Watts and National Indemnity Company, filed. hm	
3-28-72	Counter-claim and cross-complaint of defts. C. Watts Construction Co., Calvin L. Watts and Natl. Indemnity Co. against pltf. and all other defts., filed. hm	
3-30-72	Receiver's application for permission to employ counsel, filed. hm <i>Copy w. order to Judge</i>	
4-3-72	Order appointing Ollie W. Gresham and Irvine E. Ungerman attorneys for receiver, filed. ds copies to attorneys	
4-4-72	Answer of def. Sec. of Commerce and U.S.A., filed. rm	
4-18-72	Application of receiver to borrow additional funds for preservation, maintenance and protection of plant and machinery committed to custody and control of receiver, filed. ds	
4-18-72	Order authorizing receiver to borrow funds for preservation, maintenance and protection of plant and machinery committed to custody and control of receiver, filed. (AEB-J) ds <i>copies mailed</i>	
4-19-72	Entry of appearance, answer and cross-petition of def. Shade Stone, filed.rm	
5-8-72	Final report of I. R. Estus, receiver, filed. rm	
5-17-72	Interim Report of receiver, filed. rm	
6-15-72	Ordered by the Court that this case be set for Hearing on June 20, 1972, at 2:00 A.M. Irvine Ungerman to give parties notice. (AEB-J)v	
6-20-72	Hearing held. Parties present and rep. Application of Receiver to borrow additional funds for preservation, maintenance and protection of plant and machinery committed to custody and control of Receiver granted in amt of \$15,000 and filed; with no objections. Order to be prepared in 3 days by Irvine Ungemrman. Parties request speedy trial date. Application for date certain to be filed by parties. (AEB-J)h	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-21-72	Order Authorizing Receiver to Borrow Funds for the Preservation, Maintenance and Protection of the Plant and Machinery Now in the Custody and in the Control of Receiver, filed. Ordered that Ben T. Owens, Receiver, is authorized to borrow \$15,000.00 upon a certificate of Indebtedness issued herein and to be approved by the Court, bearing interest at rate of 7% per annum. (AEB-J)v	
6-22-72	Amended answer and cross petition of the Secy. of Commerce of USA, and the U.S.A., filed. g	
72-C-72	Application of receiver to enter into a lease agreement, filed. ds	
72-C-72	Order authorizing receiver to negotiate lease agreement, filed. (AEB-J) ds	
4-26-72	Plaintiffs' supplemental interrogatories, filed. ds	
10-10-72	Answers to Pltfs.' Interrogatories to the Deft.s Git N Go Co., & Git N Go Inc., and to Pltfs.' Supplemental Interrogatories to the Deft.s, Git N Go Co., Git N Go, Inc., East Side Git N Go, Inc., West Side Git N Go, Inc., South Side Git N Go, Inc., North Side Git N Go Inc., and Hale Halsell Co., filed. v	
10-13-72	Answers to pltf's interrogatories by def. In N Out Stores, Inc., filed. rm	
12-12-72	Answer of the Deft., Anco Manufacturing & Supply Co., filed in District Court for Ottawa County, State of Oklahoma, now removed to U.S. District Court for N.D. of Okla. v	
12-8-72	Appl. of Anco Manufacturing & Supply Co. for permission to file its original answer and request for cross- relief, and also to file its Amended Answer and Cross-Complaint, filed. v -order to Judge.	
12-12-72	Order, filed, that Deft. Anco Manufacturing & Supply Co. be authorized to file a true and certified copy of its answer which was filed in #C-71-356, in the District Court of Ottawa County, Okla., on 2-25-72. Further ordered that said deft. is authorized to file its Amended Answer and Cross-Claim. (AEB-J)v -copies mailed.	
12-12-72	Amended Answer and Cross-Complaint, filed. v (Deft. made service thru U.S. Marshal)	
12-29-72	b Marshal's return of service of summons on cross-complaint, filed. Served Miami Industrial Authority in Miami on 12/14/72; served U.S.A. by serving Nat Grham in Tulsa on 12/13/72; served Sec. of Commerce by serving Nat Graham in Tulsa on 12/13/72; served W. Samuel Dykeman, service agent for Crown Consolidated Ind. by serving Virginia Joiner on 12/15/72. (USM \$37.27) rm	
2-20-73	Defts, Sec. of Commerce of U.S.A.'s Motion to Dismiss, filed. r	
2-20-73	Ordered by the Court that Pltf is granted 10 days from this date, in which to respond to Deft. Sec. of Commerce of U.S.A's Motion to Dismiss. (AEB-J)r	
2-27-73	Response or Answer to Motion to Dismiss, filed. jj	
3-1-73	Response or answer of def. Shade Stone to U.S.'s mo/dismiss, filed. rm	
3-1-73	Appl. of receiver for approval of negotiated lease agreement, filed. rm (contd.)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-1-73	Order setting hearing on receiver's application to approve lease agreement on March 7, 1973, at 10:00 a.m. (AEB-J)rm - Irvine Ungerman to mail notices. (Certificate of mailing attached)	
3-7-73	Hearing held on Receiver's appl. to approve lease agreement. Court approves application. Irvine Ungerman, atty. for receiver, to prepare Order. (AEB-J)rm	
3-19-73	Order approving negotiated lease agreement, filed. (AEB-J) ds copies to Ungerman	
3-22-73	<i>See Keller memo when order on the case is filed.</i> Order, filed, that Sec. of Commerce of U.S.A. & the U.S.A. be Dismissed as parties deft. herein. Further Ordered that the Cross Petition filed herein by these Deft.s be Dismissed. (AEB-J)v -copies mailed.	
5-4-73	Application for allowance of Attorneys fees to Irvine E. Ungerman and Ollie W. Gresham filed.h	
5-4-73	Application of Ben T. Owens for allowance of compensation as receiver and for disbursements made during tenure as receiver filed.h	
5-4-73	Order setting for hearing applications for the allowance of Receiver's fees and attorney fees filed. Set for hearing on Tues. May 8, 1973 at 10:00 a.m.(AEB-J)h -notice by Ungerman-	
5-4-73	Notice of hearing application for allowance of compensation filed.h(by Receiver)	
5-8-73	Hearing held on application for allowance of attorney fees. Parties present and represented. It is order that appl. for allowance of Atty fees to Irvine E. Ungerman and Ollie Gresham is granted. Appl of Ben T. Owens for allowance of compensation as receiver and for disbursement made during tenure as receiver granted. Allowances made as follows: I.R. Estus-\$7,695.27; Ben Owens- \$11,455.54; Attorneys-\$7500, as per order to be prepared by I. Ungerman within 5 days. (AEB-J)h	
5-9-73	Order, filed, Allowing Receivers' Fees and Expenses, State Court Receivers' Fees and Expenses and Attorneys' Fees. Ordered that I.R. Estus be awarded \$7,695.27, as full compensation. Ordered that Ben T. Owens be awarded \$11,455.54 in full payment. Ordered that Irvine E. Ungerman and Ollie W. Gresham be awarded the total sum of \$7,500.00 as full compensation. Also Ordered that said fees be paid by Howard Ward and/or Ward Industries, Inc. (AEB-J)v	
6-25-73	Stipulation for dismissal (Shamblin), filed. hm	
6-25-73	Order, filed and entered, dismissing cause as to deft. George Shamblin. (AEB-J)hm (copies mailed by atty. Ungerman)	
6-25-73	Stipulation for dismissal (Natl. Indemnity Co.), filed. hm	
6-25-73	Order, filed and entered, dismissing cause as to deft. National Indemnity Company. (AEB-J)hm (copies mailed by atty. Ungerman)	
6-25-73	Stipulation for dismissal (Shade Stone), filed. hm	
6-25-73	Order, filed and entered, dismissing cause as to deft. Shade Stone. (AEB-J)hm (copies mailed by atty. Ungerman)	
6-25-73	Stipulation for dismissal (Longan), filed. hm	
6-25-73	Order, filed and entered, dismissing cause as to deft. Gene Longan. (AEB-J)hm (copies mailed by atty. Ungerman)	
6-25-73	Stipulation for dismissal (Garrett), filed. hm	
6-25-73	Order, filed and entered, dismissing cause as to deft. John Garrett. (AEB-J)hm (copies mailed by atty. Ungerman)	

(cont.)

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-25-73	Stipulation for dismissal (Miller Electric Shop, Inc.), filed. hm	
6-25-73	Order, filed and entered, dismissing cause as to deft. Miller Electric Shop, Inc. (AEB-J)hm (copies mailed by atty. Ungerman)	
6-25-73	Receiver's final accounting, filed. hm	
6-25-73	Order approving receiver's final accounting, filed. (AEB-J)hm (copies mailed by atty. Ungerman)	
6-26-73	Stipulation for Dismissal, filed, as to Deft. E. & J. Construction Co. v	
6-26-73	Order, filed that E. & J. Construction Co., Inc., should be dismissed, filed and entered. (AEB-J)v <i>copies mailed</i>	
6-29-73	<u>Dismissal</u> without prejudice as against the Deft.s, <u>E & J Construction Co., Inc., Steelcraft Corp., and Crown, Ltd.</u> , filed and entered. v	
7-30-73	Stipulation for Dismissal of plaintiff and deft. Southwestern Sash & Door Company, filed. jj 0 to J	
7-31-73	Order, filed and entered, that action be dismissed as to Southwestern Sash & Door Company. (AEB-J) ds	
3-14-74	<i>per call Ryan 2-27 - O of dismissed to Steelcraft & Crown Ltd to be in - Ungerman to prepare</i> Stilupation for dismissal as to deft. Calvin L. Watts, filed. g	
3-14-74	Order dismissing of action as to Calvin L. Watts, filed & entered. (AEB-J)g <i>Copy to Ungerman for delivery</i>	
7-11-74	Stipulation of dismissal of claim of Anco Manufacturing & Supply Co., filed. hm	
7-11-74	Order, filed, dismissing claim of Anco Manufacturing & Supply Co. (AEB-J)hm (copies mailed)	
7-11-74	Application for leave to dismiss action, filed. hm	
7-11-74	Dismissal, filed. hm	
7-11-74	Order, filed and entered, that cause of action and complaint are dismissed. (AEB-J)hm (copies mailed)	

*Ryan
560 5711*

DATE	PROCEEDINGS	Date Order or Judgment Noted